IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.363 OF 2006

Shri Pandharilal Saichanram Gupta
and Ors. ....Applicants.

V/s

The State of Maharashtra
(at the instance of Narpoli
Police Station, Bhiwandi,
Dist. Thane) ....Respondent.

Mr. Mahesh Pahane for the applicant.

Mr. Y.S. Shinde for the respondent.

CORAM: V.M. KANADE, J.

DATE: 13th February, 2006

P.C.:

1. Heard the learned Counsel appearing on behalf of the applicants and the learned APP for the State.

2. The applicants apprehend that they are likely to be arrested in connection with the offence which is registered with the Narpoli Police Station, Bhiwandi for the offence punishable under section 498A and 304-B, 306 read with section 34 of the Indian Penal Code.

3. The prosecution case is that the applicants and others harassed the deceased who was daughter-in-law

of applicant No.1 and, as a result, she had no other option but to commit suicide by hanging herself to the ceiling.

4. The learned Counsel appearing on behalf of the applicants submitted that the applicant No.1 is 65 years of age and the other two applicants are his sons and all of them are not connected with the suicide which was committed by the daughter-in-law of the applicant No.1. He has invited my attention to the statements of witnesses. The prosecution case is that the deceased was tortured at the hands of the applicants and by her husband and mother-in-law and one day before the incident, a telephone call was made to the parents of the deceased in which the deceased pleaded that her parents should not come and meet her. The applicant No.1 and the other members of the family also talked with the father of the deceased on phone and told him that they are going to assault the deceased. The husband of the deceased told her parents that he was going to finish her off. Thereafter, the parents heard their daughter crying and, thereafter, telephone was disconnected . Though the parents of the deceased were trying to make telephone calls thereafter, the telephone calls were disconnected on every occasion. On the next day when

the parents of the deceased went to the matrimonial house of the deceased, they found that she was hanging to the ceiling. They removed the body and took her to the hospital. However, she died. From the entire evidence it can be seen that none of the applicants took any steps to save the life of the deceased. The entire material which is on record, therefore, in my view is sufficient to implicate the present applicants and, therefore, this is not a fit case for grant of an anticipatory bail.

5. Accordingly the application for anticipatory bail is rejected. However, applicant No.1 is permitted to apply for bail on medical ground independently.

V.M. KANADE, J.